



OFFICE OF THE ATTORNEY GENERAL OF TEXAS  
AUSTIN

GERALD C. MANN  
ATTORNEY GENERAL

Honorable J. A. Hill, President  
The West Texas State Teachers College  
Canyon, Texas

Dear Sir:

Opinion No. 0-4260  
Re: Whether World War veteran  
must pay regular fee for exten-  
sion course in West Texas State  
Teachers College

We have received your letter of recent date in which you ask the opinion of this department on the above captioned question.

In 1923 the 38th Legislature passed House Bill 182, Chapter 147, which exempted ex-service men and women who served during the World War in the armed forces of the United States from the payment of all dues, fees, and charges of the public educational institutions of this State. The Second Called Session of the 41st Legislature (1929) passed Senate Bill 66, Chapter 52 (codified by Vernon as Article 2054b) which exempted Spanish American War Veterans from the payment of fees and charges in State institutions of higher learning to the same extent as World War Veterans were exempt.

House Bill 322, Acts, 43rd Leg., R.S., Ch. 196, was passed in 1933. This bill fixed the tuition to be collected from students registering in State institutions of collegiate rank, and made no exemptions. Said bill provides in part as follows:

"Section 1. The governing boards of the several institutions of collegiate rank supported in whole or in part by public funds appropriated from the State Treasury shall cause to be collected from students registering in said schools after September 1, 1933, tuition at the following rates:

". . .

Honorable J. A. Hill, page 2

"Section 3. All laws and parts of laws in conflict with the provisions herein are hereby repealed.

". . ."

On August 22, 1933, this department rendered an opinion to Honorable H. Y. Benedict, President of the University of Texas, which held that House Bill 322 (Art. 2654c) repealed House Bill 182 of the 38th Legislature and Senate Bill 66 of the 41st Legislature, 1st C.S.

Within a few weeks after the above mentioned opinion was rendered, the first called session of the 43rd Legislature passed House Bill 15, Chapter 6, codified by Vernon as Article 2654b-1. Sections 1 and 3 of House Bill 15 are quoted as follows:

"Section 1. The governing boards of the several institutions of collegiate rank, supported in whole or in part by public funds appropriated from the State Treasury, are hereby authorized and directed to exempt and exempt all citizens of Texas, who have resided in Texas for a period of not less than twelve (12) months prior to the date of registration, and who served during the Spanish-American and/or during the World War as nurses or in the armed forces of the United States during the World War, and who are honorably discharged therefrom, from the payment of all dues, fees and charges whatsoever, including fees for correspondence courses; provided, however, that the foregoing exemption shall not be construed to apply to deposits, such as library, or laboratory deposits, which may be required in the nature of a security for the return of or proper care of property loaned for the use of students, nor to any fees or charges for lodging, board or clothing. The governing boards of said institutions may and it shall be their duty to require every applicant claiming the benefit of the above exemption to submit satisfactory evidence that the applicant is a citizen of Texas and is otherwise entitled to said exemption. The provisions of this Section shall apply to those students who are herein exempted that have already registered and paid their fees or tuition for the 1933-34 school term, and the governing boards of such institutions are hereby authorized and directed to refund such fees to any student who has already paid such fees or tuition for the 1933-34 school term.

". . ."

Honorable J. A. Hill, page 3

"Sec. 3. The fact that the Act fixing the tuition fees passed by the Regular Session of the Forty-third Legislature unintentionally repealed pre-existing laws which exempted war veterans and certain graduates of certain high schools from the payment of college fees creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days be suspended, and the same is hereby suspended, and that this Act shall take effect from and after its passage and it is so enacted."

Thus, the Legislature in view of the opinion to President Benedict passed the above quoted statute.

In view of the foregoing, you are respectfully advised that under Article 2654-b(1) a citizen of Texas who has resided in this State for 12 months or more prior to the date of his registration in the West Texas State Teachers College or in any other State institution of collegiate rank and who served during the World War in the armed forces of the United States is exempt from the payment of all dues, fees, and charges whatsoever of such institutions, except the deposits and the lodging, board, or clothing charges described in the statute.

Yours very truly

RECEIVED MAY 3, 1941

ATTORNEY GENERAL OF TEXAS

ATTORNEY GENERAL

By

George W. Sparks  
Assistant

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ENCLOSURE

